IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE GOPALAKRISHNA TAMADA

Writ Petition No.10666 of 1999

Dated: 28-03-2007

Between:

1. Toderu Gram Panchayat, Toderu,
   Podalakuru Mandal,
   Nellore District,
   rep. by its Sarpanch Alipur Penchalamma and another.

... Petitioners

and

1. The Revenue Divisional Officer,
   Nellore District,
   Nellore and 3 others.

... Respondents

ORDER:

This writ petition is filed seeking a *mandamus* to declare the order of first respondent in not granting interim orders in favour of petitioners pending the statutory appeal, dated 11-05-1999 and 22-05-1999 filed by petitioners under para-15 of the Board's Standing Order No.15 against the order of second respondent assigning Ac.2-00 of

land in Survey No.2 of Toderu Revenue village, Podalakur Mandal, Nellore District in favour of third respondent, as illegal and arbitrary and consequently direct respondents not to dispossess petitioners from the said extent of the land pending the appeal before first respondent.

2. Facts, in brief, are: First petitioner is Toderu Gram Panchayat and second petitioner is Ratnagiri village. There is an extent of Ac.3-83 cents of land in Survey No.2 of Toderu revenue village situated in Ratnagiri village. The said extent is a communal property, which is vested in the Gram Panchayat under Section 55 of the Andhra Pradesh Gram Panchayat Raj Act, 1994 (for short, 'the Act'). With the connivance of the fourth respondent – Village Administrative Officer, the third respondent secured an order of assignment from second respondent – Mandal Revenue Officer to an extent of Ac.2-00 from out of the said Ac.3-83 cents. It is stated that second respondent has not issued any notice to petitioners nor called for their objections before granting assignment in favour of third respondent. After coming to know the granting of assignment, petitioners filed an appeal, on 11-05-1999 before first respondent and also filed a petition seeking interim direction not to dispossess first petitioner pending the appeal. As first respondent has not passed any interim orders pending disposal of the statutory appeal, petitioners approached this court and filed the present writ petition.

3. Heard learned counsel for the parties.

4. This Court on 25-05-1999 while issuing *Rule nisi,*
in W.P.M.P.No.13100 of 1999 granted interim direction directing respondents not to dispossess the petitioners from out of the lands in

question.

5. Having regard to the fact that this Court granted interim direction and the appeal preferred by the petitioners is still pending, I deem it appropriate to dispose of the writ petition with a direction to the appellate authority to dispose of the appeal within a period of six weeks from the date of receipt of a copy of this order.

6. Accordingly, the writ petition is disposed of. No costs.

However, it is made clear that pending disposal of the said appeal, petitioners shall not be dispossessed from out of the lands in question.

JUSTICE GOPALAKRISHNA TAMADA

Dt.28-03-2007
N.B: Issue CC by one week.
B/o
GLV